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lated, than to begin the war of Grecian independence, in provinces whose population is not Greek, whose language is not Greek, who, except as Christians, have no bond of union with Greece, who habitually rely on Russian protection, and could not be expected to take a step, after Russia should disavow the cause. So obvious are these considerations, as greatly to strengthen the belief, that Ypsilanti really received (as his friends have uniformly asserted) encouragement to hope for the countenance of the Emperor Alexander.

And here we drop the subject ; this not being the time nor occasion to enter on the great theme of the revolution in Southern Greece. For that, we put ourselves under the able guidance of Dr Howe, and hope to follow him, through some of its interesting scenes, in another number of our Journal.

ART. XI.—1. *United States*, an Article in the London Quarterly Review for January, 1828.

- 2.** *Message from the President of the United States, transmitting the Correspondence between this Government and that of Great Britain, on the subject of the Claims of the two Governments to the Territory west of the Rocky Mountains.* March 15, 1828.
- 3.** *Message of the President of the United States, transmitting a Report from the Secretary of State, and the Correspondence with the Government of Great Britain, relative to the Free Navigation of the River St Lawrence.* January 7, 1828.
- 4.** *Letter from the Secretary of State, transmitting, pursuant to a Resolution of the House of Representatives of the nineteenth ultimo, a Copy of the Maps and Report of the Commissioners, under the Treaty of Ghent, for ascertaining the Northern and Northwestern Boundary between the United States and Great Britain.* March 18, 1828.

OUR relations with England form, and ever have formed the most important part of our foreign politics ; and will continue to do so, till some great change takes place in the general political system of the world. Our origin as British colonies gives to the intercourse between the two countries, alternately

something of the cordiality of kindred, and something of the bitterness of family quarrels. The relation of the two countries to each other, as the two first commercial and naval powers, has a tendency, in a time of general war, to bring them into collision ; a tendency increased by community of language, and other circumstances of external resemblance. Our geographical situation as neighbors, has given rise to serious controversies, as we shall have occasion to show more particularly in the progress of the present article ;—controversies, some of which we are not likely to have with any other foreign power, none of which we can have with any European power ; but which are already of a grave, not to say a portentous character.

Whether we advert to these matters of present fact, or look back upon our whole past history,—the struggle of the colonies, as such, with the mother country, the revolutionary war, the near approach to a renewal of hostilities, prior to the treaty of 1794, the collisions which resulted in the war of 1812, and the controversies which have since sprung up ;—it must be owned, that our relations with Great Britain ought to be a great, a prominent point of attention with the American statesman. That they must be so, would follow *a priori*, from the general state of the political system of the world. Nothing it is true, is wholly indifferent to us, which essentially changes the condition of any member of that family of nations to which we belong. The passage of the Russians across the Pruth, nay, the petty movements in the Morea before they crossed it, have been felt in our markets ; but towards England, we stand in a relation of action and reaction so strong, so comprehensive, so intense, that it can never for a moment be lost sight of.

These considerations make the subject, at all times, a proper one for a journal devoted to the interests of America. It is a subject, which is pertinent to the character of our Review, in every connexion but that of the party politics of the day, and from them we wish and intend to borrow no light. It is, of course, easy on almost any topic, so vast and various, to find ground of plausible cavil. We may be sure of this, if we will look into parliamentary history, and find (on matters, of which the lapse of time has made us unprejudiced judges) what gross injustice wise and good men have done each other, by indiscriminately denouncing the measures of their political opponents. While this rests within the limits of domestic politics, it is an

evil which may be borne ; or at any rate, it is one that cannot be helped. Parties must subsist in free states ; and where there are parties, they must be unjust to each other. But it is possible, we think, to take the foreign relations of the country out of the grasp of ordinary party politics. There are at least some great points in the foreign policy of the country, on which it is absolutely necessary, that all parties should unite. These points are indubitably our relations with Great Britain. This country cannot do itself justice, unless it present an united front toward that government. Her preponderating naval power seeks only a pretence to traverse us ; she puts forward as essential to the maintenance of that power, pretensions irreconcilable with our honor and interest. She has, from the extremity of the Windward Islands to Halifax, a perfect line of military stations in front of our coast ; while she plants her posts across the continent, and flanks us from Eastport to the mouth of the Columbia. The person, who thinks that a foreign power, thus intrenched on our borders,—in the command of all the resources of the British empire,—and actuated by the spirit, which has so long governed her cabinet, can be met with divided councils, mistakes the first principles, which decide the political movements of powerful states. Parties may be assailed, prostrated, and rallied ; and temporary advantages gained and lost ; but every lesson in our history teaches to beware how we again permit our relations either with France or with England to become the pivot of our domestic politics.

We have been particularly moved at this time to consider the subject, in consequence of some remarks upon it, in a late number of the British Quarterly Review. It is well known, that this Journal is to a certain degree semi-official, in its character. It almost without exception speaks the sense of the English government. Some persons connected with the administration of affairs, have the credit of being regular contributors to its pages. The public offices and archives of state are habitually opened, to furnish materials for articles contained in its numbers. It is also in itself a journal of circulation too wide, and influence too great, to be left uncontradicted in serious miststatements.

We know too well how periodical works are, of necessity, made up, to wage war with everything that may offend our taste, or injure the character of the country. An unlucky article may find its way into any journal, however discreet. But

for the general tone and tendency of a journal, somebody ought to be responsible. In a case like this, a spirit of gross misrepresentation, in a quarter where so great an influence is concentrated, ought not to pass unrebuked. Men possessing the ear of the British public, and of the readers of the English language throughout the world, ought not to be allowed by our American reviews, to persist, without correction, in serious, repeated, resolute attacks upon our character, government, and country. The tone of the *Quarterly Review* has fluctuated toward the United States. Never cordial, it has sometimes sunk into a kind of cold neutrality, and especially since it passed out of the hands of its original editor. There is, however, some unhappy spirit that haunts its pages ; which is occasionally laid for a time, but after a space, comes back again with new devices of malice. This evil genius of England and America,—for England has more to fear and deprecate than we have, in the growth of an embittered feeling between the two countries,—who long ago outraged the decent part of the British public, and all America, and all the friends of America, by the infamous libel, in the forty-first number of the *Quarterly Review*, has recently ‘ come again ’ ; and in the number for last January, taking for his text the childish trash of Lieutenant De Roos, and an unhappy forgery, called *The United States as they are*, manufactured in Grub-street, has not only vamp- ed up anew several of the old slanders, in which dignified and edifying labor we should not and shall not disturb him ; but has undertaken, fantastically enough, to give an account of the character of our diplomatic intercourse in general, and of our relations with England in particular. The ignorance of the subjects treated is the least prominent feature, in this account, as we shall presently see ; the spirit in which it is executed deserves a severer censure than respect for ourselves will allow us to give it. Before proceeding further, we must here make a considerable extract from the article in question.

‘ It is the obvious policy of the governing powers of a country like that we have been describing, to cultivate peace and amity with all the world ; and this desire is always strongly professed, in the messages of the president. In their diplomatic intercourse with European states, however, (we make this remark with much pain and regret) they are generally prepared to start so many points of controversy, to put forward so many unfounded claims and extravagant pretensions, many of them so contrary to the es-

tablished law of nations ; their self-interest is so predominating a feature, and pursued with so much urgency and perseverance, without the least regard for mutual concession or mutual accommodation, that the word *reciprocity* would seem to be banished from their diplomatic code. Under an affectation of humility and republican simplicity, no absolute monarchy can be, in point of fact, more ostentatious and vainglorious, than the government of the United States. A cold, calculating tone of argumentation marks all their official intercourse with foreign nations. Perhaps it would be deemed inconsistent with stern republican simplicity, were the president or his ambassador guilty of any of those little acts of courtesy and mutual civility, which subsist, in the diplomatic intercourse, between the organs of the monarchical governments of Europe.'

Thus far is general. The things alleged are vague, and no facts are specified. The charges are even somewhat contradictory. It does not readily appear, how an 'affectation of humility' can consist with the abstinence from 'acts of courtesy and mutual civility,' without which, in their proper place, no appearance of humility could be kept up. It is the first time we have ever heard, that the President of the United States, at any period, would consider it a crime to practice the usual acts of courtesy and mutual civility toward foreign ministers. We are ourselves strongly inclined to think, that for one act of courtesy, which passes from any monarch in Europe toward any foreign minister, ten have been exercised by every president of the United States toward every foreign minister, accredited to this government. In fact, the intercourse of the President of the United States with the foreign ministers is like his intercourse with all other gentlemen (the only intercourse that becomes men of sense in any country), that of perfect equality, as of man with man. Can as much be said of the sovereigns of Europe? However, we need not waste more words on this part of the remarks of the writer in the *Quarterly Review*. It is enough to say, they have little meaning and no truth. It will be observed that the assertion of this reviewer covers the whole diplomatic intercourse of the United State with all nations. But as most of his subsequent specifications refer to matters now in controversy with England, and as the British press has manifested no little preposterous exultation on the subject of the fancied felicity of the negotiations of Mr Canning with Mr Gallatin, we think it not superfluous to subjoin the following remarks of Lord Dudley, in a letter to our minister of the first of October, 1827.

'The undersigned [Lord D.] takes pleasure in recognising in both these letters of Mr Gallatin, and especially in the inquiry which closes the second of them, the same spirit of good will and conciliation, which in the midst of discussions involving no small difference of opinion, has characterized Mr Gallatin's correspondence with the British Government.'

What a comment does this official admission of a British minister form upon the libellous statement of the anonymous writer, who undertakes to describe the style of the American diplomacy ! We shall only add that we know that the British government was not less pleased with the temper of Mr Rush's correspondence, during the eight years of his mission.

We proceed with our quotation.

'England, more than any other power, has experienced this frigid and exacting temper on the part of the United States, ever since that precious treaty of Ghent, which gave to them all that they asked, and much more than they had a right to expect. Not contented with this, the republic has since put forth claims of the most unreasonable nature ; and in the discussions that have taken place, evinced a litigious disposition on points, that can scarcely fail sooner or later to bring the two nations into collision. We mean such points as Great Britain never can concede, and which can have no other object, if persevered in, than to serve as so many pretexts to join the enemy against us, in any future war, as she did in the last. The following are a few, among the many subjects, to which we allude ;

1. A new code of maritime law,
2. The settlement of a boundary line,
3. The claim to the Columbia river,
4. The free and uninterrupted navigation of the St Lawrence.'

In attending sufficiently to the above remarks, to make the extract of them, we begin to find that we have to do with a person too little informed on the subjects, which he undertakes to treat, to deserve a refutation. In the treaty of Ghent (it seems) Great Britain yielded all that the United States asked ! The only inference which can be made from this remark, is, that the writer knows nothing about the negotiation of the treaty of Ghent. That treaty, like most other treaties between powers standing on any footing of equality with each other, was a compromise. Each party proposed things, on which it did not insist ; and receded from terms at first brought forward as essential.

But it seems the United states got all they asked by the

treaty of Ghent, and, *not contented with this*, the republic has *since* put forth claims of an unreasonable nature ; and the first of these, is 'a new code of maritime law, branching out into the subjects of impressment, blockade, and the right of search !' These are the *new*, unreasonable claims, which America, having got all her old demands satisfied in the treaty of Ghent, has *since* brought forward. Is it possible, that there is a junior clerk, in the office of the under secretary of state for foreign affairs, who does not know, that these were the very causes of the war of 1812 ; and that they formed a much more prominent part of the discussions, between the two governments, before that event, than they have done since the peace of 1815 ? The following are the subjects of most prominent negotiation between the two powers, since that period.

1. The commercial intercourse between the two countries.
2. Commercial intercourse between the United States and the British colonies.
3. The suppression of the slave trade.
4. The indemnity for slaves, carried away by the British, after the treaty of Ghent was ratified.
5. The mouth of the Columbia river.
6. The navigation of the St Lawrence.
7. The Northeastern boundary.

We do not say that the other subjects have not been discussed. Some of them, and particularly the subject of impressment, was, for instance, a matter of negotiation in 1818 ; but not one of them has been, for the first time, broached since the peace of 1815 ; and the subjects we have mentioned, have been certainly the most prominent subjects of negotiation, between the two countries, for the last thirteen years.

But this is not all. Out of these seven subjects, two, the first and the fourth, have been settled to mutual satisfaction, and the first with scarce any collision of opinion. The third was the subject of a convention, negotiated in compliance with a resolution, nearly unanimous, of the house of representatives of the United States, and approved by Mr Monroe, but not acceptable to two thirds of the senators ; the fifth has twice been the subject of a convention, wherein the two parties agree to leave the territory in *statu quo*. The seventh has been by convention referred to arbitration. On the second, the parties have negotiated, but without success, it is true ; but the United States claimed nothing, as of right. On the sixth alone, they

are at issue, on a question of naked right, without any approach to a compromise or settlement. And now what becomes of our many new unreasonable claims, which Great Britain never can concede,—and which are reserved by us as pretexts to join the enemy in the next war?

1. But let us look a little farther, and see what this writer makes of his specification. His first unreasonable demand, broached by us since the peace, is ‘a new maritime code,’ branching into the subjects of impressment, blockade, the right of search after contraband of war, and the practice of privateering. On the first point, we will not at present follow the writer farther than to say, that every word, which he says upon it, shows that he is wholly unacquainted with the state of the controversy. On the second branch, it seems (and Heaven make us duly grateful) the republic agrees with the monarchy; ‘her ideas of a legitimate blockade agree pretty nearly with our own.’ On the third branch, *contraband*, he has not a word to say, to show that the American government claims anything not equally claimed by the British. On the fourth, it seems, we have had the temerity ‘to launch a novel proposition of a very singular nature—that belligerents should abstain from commissioning privateers and from capturing private property at sea.’

Here we would, in the first place, remark, that we do not recollect that this proposition of the American government, to abolish the practice of privateering, forms the subject of any discussion between the two governments, which has been published in America or in England. If we are correct in this opinion, the writer in the *Quarterly Review* derives any knowledge which he may have of such discussions, from permitted access to the archives of his government. This fact, if it be one, while it justifies the notice we are taking of him, shows into what sort of hands that government may forget itself so far as to play.

But, it seems, America ‘has launched a novel proposition of a very singular nature,’ or, to talk English, has made a proposal to abolish privateering and private war, on the ocean. This project is, if you please, chimerical and absurd. But is it arrogant? is it an unreasonable claim? is there any want of reciprocity in it? Would not America, even in the ordinary acceptation of the terms, be the loser by adopting the principle? Does not our privateering force bear a much greater proportion to our entire means of hostile action, than the privateering force of any other country?

Again, has this proposal been accompanied with any menace? Has America made it a condition of friendly intercourse with any other power? Has she ever broached it, or 'launched' it, in any but the most respectful manner to any power? What then is the meaning of this ribaldry, about "a pretty considerable" enlargement of the principle, which she has long endeavored to establish, that the flag of a neutral shall cover all property on board, except contraband of war?"

We ought not to pass this last assertion, without stating, that it is not true, as those who place credit in this writer might infer, that the United States deny the right of search for enemies' property. At the same time that they wish to establish, by common consent, the opposite principle, that 'free ships make free goods,' they have in all their late treaties (for it is not alone 'in a treaty with some young republic on the American continent which calls itself Guatemala,'* that the United States have introduced the principle), in which the rule of *free ships free goods* is adopted, inserted a clause restricting its application to those powers that recognise it. See the twelfth article of the treaty of 1819, with an old kingdom on the European continent, which calls itself Spain.

It is true that the United States have proposed to Great Britain to agree, by treaty, to the above named rule. Instead of being a novel proposition on our part, Great Britain is the only power, which has shown a disposition to persevere in the opposite principle, for no other reason than that alleged by this writer, that she is the most powerful at sea. Almost every other nation has acquiesced in the British doctrine, by the compulsion of circumstances. France alone has never yielded the point, and still contends with earnestness generally against the right of search, and for the principle once asserted by the armed neutrality, that free ships make free goods, a principle now ridiculously called by this writer a new American pretension.

We shall presently say a few words on the matter of impressment. Meantime, we shall not let this writer, artfully or in his ignorance, confound the right of search with the pretended

* What a piece of impertinence in this republic it would be, to call itself by the name, which has designated the country since its discovery! As it happens, however, the 'young republic' calls itself no such thing.

right of impressment. In resisting this pretended right, the United States do not contend against the right of search for purposes, in which we, as well as other nations, have acquiesced. We admit the right of search, in reference to objects, which we have admitted to be liable to capture and condemnation, such as enemies' property and contraband articles. We deny the right of taking out of neutral ships persons of any kind, with one single exception; and consequently we deny the right of searching for them. And this single exception strengthens the general principle. The fifteenth article of the treaty with Spain of 1795, concluded under General Washington's administration, after providing that everything should be deemed free and exempt from capture, which should be found on board the ships of either of the contracting parties, stipulates, 'that the same liberty shall be extended to persons, who are on board a free ship, so that although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, *unless they are soldiers and in actual service of the enemies.*' The same provision will be found in the convention with France, article fourteenth, negotiated in 1800, under Mr Adams's administration; in the twelfth article of the treaty with Colombia; in the fourteenth article of the treaty with Central America; and in Mr Madison's instructions to Messrs Monroe and Pinkney in 1806. These treaties, however, are all with powers, which admit the principle of *free ships free goods*. But inasmuch as between Great Britain and ourselves, we admit that enemies' property is liable to capture and condemnation, we are not prepared to deny, and are not aware that our government has denied, that the principle ought not to be extended to the persons of enemies; rendering them liable to be taken out of neutral ships, although not soldiers in actual service.

But, to return to the subject of private war, it seems that to abolish privateering is to this writer a very singular and a *novel* proposition. Could it have been believed that such a suggestion would have found its way into a leading journal of the metropolis of English literature? The practice of privateering, so consonant, in this writer's opinion, with 'the established law of nations,' has been denounced as no better than piracy, by almost every writer on the law of nations, from Albericus Gentilis, who taught in England in 1582, down to Martens. Lord Clarendon declares, that privateers were a people 'how

countenanced soever, or thought necessary, that do bring an unavoidable scandal, and *it is to be feared, a curse*, upon the justest war, that was ever made at sea.' In addition to these authorities, which really take off a little from the edge of the *novelty* of this very singular proposition, first launched according to this writer, since the treaty of Ghent, by the republic, it is to be remembered that Dr Franklin stated as long ago as 1785, that ' the United States, though better situated than any other nation to profit by privateering, are, as far as in them lies, endeavoring to abolish the practice, by offering, in all their treaties with other powers, an article engaging solemnly, that in case of a future war, no privateers shall be commissioned on either side, and that unarmed merchant ships shall pursue their voyages unmolested.' Nor is it less true, though it seems it is unknown to this writer, that a stipulation to that effect was embraced in the treaty of 1785, concluded between the United States and Frederic of Prussia, and commended for that very article, by every respectable civilian, who, since that period, has treated the topic. And yet this is a novel and a very singular proposition, launched by the republic, since the peace of 1814, among the many other new unreasonable claims ! *

It appears then, after sifting the four branches of which this writer says our proposed new code of maritime law is to consist, that impressment is the only one, where he makes out anything of a case, and his case there is wholly different from that which he intended to make out, which was one of unreasonable pretensions, brought forward by America *since* the treaty of Ghent. But let us see what his case is, on the subject of impressment.

' With the general question of impressment,' says he, ' we apprehend that America, having no concern, has no business to interfere. It is the king's prerogative, and as ancient as the monarchy itself; and if the right, on the exercise of which, in time of need, the very salvation of the empire must depend, is to be abandoned, let us yield up "this tower of strength" to the clamor of our own democrats, rather than those of the United States.'

Now, out of charity to this writer, in the penury of his knowledge of the English language, we concede him a part of

* See an elaborate and most judicious article on the subject of privateering in No. xxviii. of this journal, written by the lamented Mr Gallison.

what he means, though nothing of what he says. When he says, that America has no concern with 'the *general* question' of impressment, that it is 'the king's prerogative,' &c. he evidently means the *special* case of impressment of British subjects within British jurisdiction. With this special case we have no concern, and *therefore* do not intend to interfere. The king of England may claim and exercise, as long as he pleases, the right of sending a gang of ruffians to knock down the first of his subjects, whom they meet on Tower Hill, and hurry him on board a ship-of-war, very possibly the day of his discharge from a seven years' service. With this right, America never has, and probably never will interfere. She has, however, the same kind of reason, on the score of common humanity to interfere even in this special case, which Great Britain has to interfere with the slave trade of other nations. A late respectable British writer* boasts, that Great Britain has made the proscription of this cruel traffic the *sine quâ non* of her intercourse with the new American states. It would be difficult to name any principle of public law or common sense, by which Great Britain is authorized to set up this *sine quâ non*, which would not authorize America or any other power to interfere, even in the special case (which this writer calls the general question) of British impressment within British jurisdiction. We do not say that humanity or expediency equally require an interference in the two cases, but we speak of principles of public law. But our writer proceeds,

' If the United States have any plan to offer, by which American seamen may be protected against serving in our fleets, and British seamen from entering into theirs, Great Britain will undoubtedly be ready to discuss it. As for those certificates of citizenship, which any British seaman could purchase for a dollar, America must be well assured, that Great Britain never can consent to relinquish her claim to the services of her seamen, in time of war, upon such slender pretences and in the absence of anything like proof; but, we believe, her practice has invariably been to discharge American seamen from her employ, whenever they have been able to substantiate their American citizenship.'

' *If* the United States have any plan to offer, Great Britain will undoubtedly be ready to discuss it!'

* Mr Ward, late chargé d'affaires at Mexico, in his work on that country.

The subject of impressment, the remonstrances of the United States against the exercise of this pretended right, and proposals of conciliatory arrangements to avoid its practice, instead of being a novelty started since the treaty of Ghent, form a prominent topic in the diplomatic correspondence between the two governments, almost from the time of the adoption of the federal constitution. Mr Thomas Pinckney addressed lord Grenville on this subject as early as January, 1793. Mr Jay followed it up in a letter to the same respectable minister, of July, 1794. Mr King, in November, 1796, had the same subject under discussion with lord Grenville, who refused to give up an American impressed seaman, on the ground that 'he had married and settled in Bristol'; a cogent commentary on the British doctrine of inalienable allegiance! In a letter to the American secretary of state, dated fifteenth March, 1799, Mr King says, that in a late conference he had stated to lord Grenville, 'that on this subject the American government had *again and again* offered to concur in a convention, which we thought practicable to be formed, and which should settle these questions, in a manner that would be safe for England and satisfactory for us.'

In 1800, Mr Liston, the British minister in America, proposed the project of a treaty relative to the reciprocal delivery of deserters, which Mr Liston imagined would put an end to impressments, and which was disapproved by Mr Pickering, secretary of state, and rejected by Mr Adams, because it was not satisfactory on this head. This supplementary treaty was proposed in pursuance of the twenty-eighth article of the treaty negotiated by Mr Jay, which contemplated the addition of further articles, to remove the difficulties which remained unadjusted by that treaty, of which this of impressment was one. In September, 1800, John Marshall, then secretary of state, instructed Mr King on the subject. In 1805, Mr King approached very near to the conclusion of a convention with lord Hawkesbury and lord St Vincent on this subject, which was mutually acceptable. Great Britain, by this agreement, was to abandon the practice of impressing out of American vessels. Lord St Vincent, after the terms were agreed on, took a night to reflect upon them, and determined to except 'the narrow seas' from the operation of the agreement. Mr King, justly surprised at this preposterous revival of the antiquated absurdity of the doctrine of the *mare clausum*, refused

to accept the modification. In the following year, a plan of a convention on the same subject was offered by Mr Monroe to lord Hawkesbury, who neither accepted nor rejected it, although we have the authority of Mr Monroe for saying, that 'nothing occurred in their conferences to justify an inference, that he (lord Hawkesbury) thought the proposals of the United States unreasonable.' This offer was renewed to lord Harrowby, who treated it in the same way, postponing the subject from time to time, for the decision of the cabinet, and never giving an answer. Under Mr Fox's ministry, Messrs Monroe and Pinkney used the greatest urgency with the lords Holland and Auckland, to induce them to agree to the substance of the project submitted by Mr King to lord St Vincent, but without success. Relying on the supposed conciliatory temper of the whig ministry, Messrs Monroe and Pinkney were induced to conclude a treaty, without any stipulation on the subject of impressment, and this omission led president Jefferson to reject it, without consulting the senate. In the interval between the negotiation and the intelligence of the rejection of the treaty, the Fox ministry was dissolved, and Mr Canning succeeded lord Howick as secretary of state for foreign affairs. The attempt to settle this question was renewed; but whatever might otherwise have been effected, the affair of the Chesapeake and the subsequent misunderstandings of the two governments arose, which resulted in the war of 1812. When we consider that the refusal of the British commissioners to accede to the proposals of the United States on this subject, was the substantial cause of the rejection of the treaty of 1806, it is not unreasonable to trace the war of 1812 mainly to this cause; and yet this writer calls the refusal of the United States to submit to the impressment of her seamen, a new unreasonable claim, which she has set up, since the treaty of Ghent.

2. Thus dexterously does he acquit himself on this head. The second of our *new* claims of a most unreasonable nature (the reader will hardly believe that we quote the words faithfully), is 'the settlement of a boundary line.' What a most unreasonable government this republic is! The line itself is not, in these words, objected to. It is not now the offence, that the United States claim too much or what does not belong to them. But to ask for any boundary at all, to deny the right of the British government to come as far and take as much as they please, is arrogant and unreasonable.

But we will be more just to this writer, than he is to himself. We will take him at what he meant; not at what he says. He did not intend (though he says it), that the settlement of a boundary line between the two countries is in itself a new and an unreasonable claim; but that *the line*, on which the United States insist, is not the true one, nor supported on reasonable grounds.

Let us see what are the writer's facts under this second head; bearing in mind that the point he is to prove (on the most favorable construction which his words admit), is, that on the subject of the boundary line, we have, since the treaty of Ghent, advanced unreasonable claims. He states, that

'This line of demarcation has been drawn by commissioners under the treaty of Ghent, most unfairly, and in every way disadvantageous (?) to the interests of Great Britain and her North American colonies. Whether it was wise to appoint an American citizen, resident in America, to be the commissioner on the part of Great Britain, is not for us to determine,—nor do we mean to accuse him of any undue partiality; but the general opinion certainly is, that we have, by some means or other, suffered ourselves to be *cheated* out of a vast extent of territory.'

We pass the indecent language in which this is expressed, as it merely concerns the manners of the writer, and is of no consequence to the argument. As it is impossible to get at anything like the merits of the question, or the facts of the case, from his imperfect, confused, and inaccurate statement, we will first lay before our readers a sketch of what was provided to be done, on this subject, by the treaty of Ghent.

There are several questions of boundary, totally distinct from each other, referred to in that treaty, and several commissions, totally distinct from each other, provided for, which this writer, from ignorance of the whole matter, confounds together. In the first place, it was doubtful to whom the several islands in Passamaquoddy bay ought to be assigned, under the true construction of the treaty of 1783. The fourth article of the treaty of Ghent provided for raising a joint commission, consisting of one English and one American commissioner, to decide the question relative to these islands, which question, in the event of a difference of opinion between the commissioners, was to be referred to a third friendly sovereign power. Under this article Thomas Barclay, a British subject, was appointed British commissioner, and John Holmes Amer-

ican commissioner ; and on the twenty-fourth day of November, 1817, they made a report, giving to the United States Moose Island, Dudley Island, and Frederic Island, and to Great Britain all the other islands in the bay. ' In making this decision,' the commissioners remark, ' it became necessary that each of the commissioners should yield a part of his individual opinion.' There is certainly thus far no trace of ' a line of demarcation drawn most unfairly, and in every way disadvantageous to the interests of Great Britain.'

Thus far is concerned the question of boundary relative to the islands. The more important question concerns the continental boundary, and this was divided into three portions. The first portion of the boundary was that, which began at the mouth of the St Croix, and extended to the St Lawrence, that is, the boundary between the states of Maine and Vermont, and the British provinces. The second was that portion of the boundary, which began at the forty-fifth degree of latitude on the St Lawrence, and extended through the lakes Ontario, Erie, &c. to the water communication between the lakes Huron and Superior. The third portion began where the last finished, and extended through lake Superior to the most northwestern part of the Lake of the Woods. The first portion of the boundary was referred, by the fifth article of the treaty of Ghent, to a separate commission, of which we shall presently speak again. The two other, or western portions of the boundary were referred as separate questions, by the sixth and seventh articles of the treaty, to another and a separate commission. This last commission consisted of P. B. Porter in behalf of America, and Anthony Barclay on the part of Great Britain. They made their report on the twenty-second of June, 1822, containing their decision on the sixth article, in which they mutually agreed. It is too long to be here inserted ; but it is sufficient to say, that it was formed on the principle of mutual compromise. It decides the whole immense boundary of the United States, from the forty-fifth degree of latitude on the St Lawrence to the mouth of Detroit river. The surveys of this boundary line, handsomely executed in the lithographic manner, were published, in pursuance of a resolution of the House of Representatives at the last session of Congress. In this portion of the boundary line, our writer finds a stumbling-block of no ordinary magnitude. It seems that the commissioners had the temerity to decide, that Barn-

hardt's Island fell within the American boundary ; and it farther happens, that the only navigable channel of the river St Lawrence falls between Barnhardt's Island and the right or American bank of the river. On these facts the writer in the *Quarterly Review* makes the following judicious and temperate remarks ;

' Then, again, by some unlucky chance, an island, at the foot of the Long Sault Rapids, has been ceded to the Americans [it was owned by them from the settlement of the country], which throws the whole of the deep water of the St Lawrence within the American limits ; while, on the Canada side, the water is so shallow as scarcely to float a canoe. We are, therefore, at the mercy of the American government, whether we shall be permitted to navigate that part of the river which is between Kingston and Montreal, or not ; and to obviate this difficulty, we are driven to the enormous expense of making a canal of communication.'

We cannot but remark here on the disgusting levity, with which this writer says, that the island in question was ceded *by chance* to the Americans ; plainly avowing a purpose on the part of England of claiming everything which is for her interest, and ascribing it to chance alone, if that interest is ever swerved from. What shadow of a reason can the writer assign for supposing, that this important point in the boundary was left to the decision of chance ? Was this the way, in which the British commissioner, agent, astronomer, and surveyor did their duty to their government ? We are happy to express our belief, that that government is grossly libelled by the writer, when he insinuates, that its agents were instructed never to admit anything favorable to America, and that it could only have been by chance that any such admission was made.

Another remark we make with pleasure, as Americans. Notwithstanding our right to navigate the St Lawrence is denied by Great Britain, and our claim even treated by this writer with disdain, the government of the United States has never attempted to shut the passage between Barnhardt's Island and the American bank on the British navigation. Although the navigation of the river from Kingston to Montreal is, by the confession of this writer, ' at the mercy of the American government,' that unreasonable, selfish, grasping government has never attempted to retaliate upon the *liberality*, which excludes us from the navigation of the river, within the British

limits. This forbearance, however, is of course temporary ; unless a reciprocity on the part of Great Britain shall make it permanent. We shall not, certainly, allow them to pass through our waters, unless we are permitted to navigate theirs. So much for the sixth article of the treaty of Ghent, which concerned the middle portion of the boundary, and in regard to which the commissioners agreed in their report, which was made eight years ago, and is final. Our well informed writer has mixed up this matter, which is the only part of the continental boundary between the two governments that is settled and fixed, with the various points of controversy under the fifth article, on which no settlement has yet been had, and of which we shall presently speak.

By the seventh article of the treaty of Ghent, the same commissioners, who were to be appointed under the sixth article (of which we have just given the history), were 'to fix and determine according to the true intent of the said treaty of 1783, that part of the boundary between the dominions of the said powers, which extends from the water communication between lake Huron and lake Superior, to the most northwestern point of the Lake of the Woods,' &c. On this part of the boundary line, the commissioners were unable to agree, and reported some time ago the fact of their disagreement, to the respective governments. As this writer does not appear to be aware of the existence of this commission, and does not betray a knowledge of the points of disagreement, and as we have still much matter to present to the reader's notice, we forbear to dwell upon the topic.

The main and great question of boundary is, then, that which arises under the fifth article of the treaty of Ghent ; a subject of real and rapidly growing importance, which has already awakened a keen sensibility on the part of Maine and Massachusetts, and is destined, we fear, to be made by Great Britain a subject of most serious national controversy. When we contemplate the magnitude of the question, we are struck with the shocking levity with which the author in question treats it. His prejudices as an Englishman we would cheerfully pardon, not doubting that they are counterbalanced by ours as Americans. But that one so ignorant, should find access to such a channel of communication, on such a subject, makes us painfully feel the degradation of the British press. We have already quoted some vague and entirely erroneous generalities,

with which he commences this topic. When he descends to particulars, we find the following statements ;

‘ The general opinion is, that we have, by some means or other, suffered ourselves to be *cheated* out of a vast extent of territory. [What a fine thing it is to practise ‘ little acts of courtesy and mutual civility ’ in national disputes !] In the first place, a line has been drawn contrary, it is said, to the letter and spirit of the treaty, which deprives us of about **TEN MILLIONS OF SQUARE MILES** of the very best land in the province of New Brunswick.’

Now we will not trouble the reader, at present, with one word on the merits of the boundary line. In our April number, we entered at some length into the discussion. Whoever has read that article, can judge of the letter and spirit of the treaty. To say that the boundary claimed by the British is consonant with the *letter* of the treaty, is to insult the reader’s common sense. The most that any man can, with gravity, claim on the British side, is, that the spirit of the treaty of 1783 sanctions their claim. We do not, for a moment, allow even this to be the fact, but, on the contrary, maintain the opposite. But to say, that the letter of the treaty is with them, is to say, what no man, with or without his name, who has any self-respect, ever said before. Even this writer hesitates upon the allegation, and qualifies it with ‘ it is said.’ By whom? we should like to know. But we pass the merits of the question.

The land in controversy is, says this writer, ‘ about ten millions of square miles.’ Ten millions of square miles ! being a space a little more than three times as large as all Europe ; a trifle less than all Africa,—and yet forming a corner of New Brunswick ! But this writer meant ten millions of square acres, not square miles ; and of this estimate, we have only to say, that the real quantity is nearer six and a half millions of acres ; enough in conscience, but something less than ten. As times go, three millions and a half of acres of ‘ the very best land in New Brunswick ’ are not to be despised ; and the writer ought to thank us for tossing them in, at the very moment that he accuses us of cheating him out of them.

But all this is nothing to his main assertion. Will the previously uninformed reader believe, that after all this Billingsgate of ‘ cheating ’ the English out of a vast extent of territory, of ‘ swindling England out of her rights ’ (for this vile language he employs in the same paragraph), after all this clamor about the ‘ line of demarcation, which has been drawn disadvanta-

geous' (to use his elegant dialect), ' drawn contrary to the letter and spirit of the treaty,' ' drawn too far to the northward,' and by which poor England ' has been deprived of ten millions of square miles,' no line has been drawn, no boundary has been settled, nothing has been taken from England, nothing given to America? The British commissioners proposed their line; the American commissioners proposed theirs. They could not agree, and in pursuance of the fifth article of the treaty, and of a special convention negotiated to carry it into effect, the whole controversy has been referred to the arbitration of a friendly third power. And yet with the unquestioned knowledge of these facts (for who could know what the writer does of the subject, pitifully little as that is, and not know what we have now stated), he dares to call the American government and people ' cheats' and ' swindlers,' because our commissioners presumed to offer their construction of the treaty; and that indubitably the right one.

But he does not escape us here. If he has a name; if he is any body, in whom sense and shame are not extinct, worse is yet to be told. After an incoherent allusion to the subject of Barnhardt's Island, which is settled under the sixth article of the treaty, among matters unsettled and in controversy under the fifth, he goes on;

' And, with regard to that part of the boundary line which is to run along the forty-fifth parallel of latitude, from the Connecticut river to the St Lawrence, it appears that the line has been drawn about thirteen miles too far to the northward, and thus taken from us, if admitted, not only a portion of Lake Champlain, and the Isle aux Noix; but also a commanding position on one of its shores, called *Rouse's Point*, which the Americans had begun to fortify. This fortress, it appears, would favor an attack on Canada; while, on the other hand, the position is innocent as to any purpose for invading the American territory from the side of Canada. [Why?] The Americans, however, were so anxious to retain this position, as to have recourse to the assertion of a principle, which, we believe, is as new, as it is ingenious in diplomacy. They maintained, that all boundary lines were to be settled on true scientific principles, and, therefore, that the line of demarcation should be drawn according to the *geocentric* latitude, which would throw the fortress within their limits. They almost deserve it for their ingenuity; but England must not thus suffer herself to be *swindled* out of her rights.'

Such is the text, and a note to this precious passage runs in the following terms ;

‘We believe the fact of the case to be this. The American agent was lamenting greatly the loss of the fortress, on which our agent jocularly observed, that if the geocentric latitude was assumed, they might still hold their fort. The agent mentioned this to Mr Gallatin, who knew as little of *geocentric* latitude as himself; but he spoke of it to Mr Monroe, the president, who was equally ignorant with both. They found, however, on consulting one of their mathematicians, that the fact was certainly so ; and therefore the claim was seriously insisted upon, on the ground that all boundary lines ought to be settled on scientific principles. Thus it is to joke on treaties with brother Jonathan.’

Much we fear, before he has done with this joke, this writer in the Quarterly will find that it is a much more serious thing than he had thought. In the first place remark the man’s stolidity. He speaks of our claim ‘*if admitted*,’ ‘England must not suffer herself to be swindled,’ ‘they almost deserve it,’ &c. and this, with reference to a line, which he had just said was actually drawn, and had cheated the English out of their territory. It ought also here again to be remarked, that as far as we know, no part of the report of the commissioners, under the fifth article of the treaty of Ghent, has been published. In this country it has not, and, we presume, not in England. There is no source, therefore, from which the writer could have drawn that part of his romance which is founded on fact, but the archives of the British government. We again allude to this point, because we fear our readers will think him beneath their notice.

But to the facts. The boundary between the two governments from the St Lawrence to Lake Champlain was the forty-fifth parallel of latitude. The place called Rouse’s Point was supposed, on both sides, to be south of this parallel. It had ever been considered as a part of Champlain township, in the county of Clinton, New York ; and as such was occupied and settled by the Americans. Subsequent to the late war, a fortress at great expense under Mr Monroe’s administration was erected on it. The fifth article of the treaty of Ghent provided for the settlement of the whole boundary, and by observations taken, it appeared that Rouse’s Point was north of the forty-fifth degree, and consequently fell within the British limits, if the line was run by these new observations. The astronomer of the

American commission (Mr Hassler, an eminent Swiss mathematician, better acquainted no doubt with the principles of his science, than the interpretation of treaties) suggested to the American agent Mr W. P. Bradley of Vermont, that the forty-fifth parallel of geocentric latitude fell to the north of the same parallel of *observed* latitude, and would throw the fortress within the American territory. In consequence of this suggestion, Mr Bradley was induced to submit, in one of his arguments before the commission, *as matter of doubt*, whether the forty-fifth degree of latitude should not be determined, in conformity with the geocentric and not the observed latitude. But this pretension has never been sustained by the government of the United States, notwithstanding this writer has the hardihood to assert, that it was set up by special instructions from the president. Mr Van Ness, the American commissioner, did not sanction it ; it consequently forms no part of the claims of the United States, *even as disagreed to* by the British commissioner. Mr Monroe, contrary to the positive and specific assertion of this writer, was not consulted about it. Mr Gallatin (whom the writer also names and insults), to whom he pretends that the American agent mentioned the matter, was our minister in Paris during all the time that the commission sat in America, had just as much to do with that commission as the Cham of Tartary and no more, and never heard of the argument in question (advanced by Mr Bradley in 1820), till he was appointed minister to England in 1826 ; and when he did find it in the records of the commission, instantly pronounced it untenable ! We are now ready to join with this poor writer, and say, 'Thus it is to joke on treaties with Brother Jonathan.' We may mistake, but are inclined to 'calculate,' that it will be some time, before we hear of *geocentric latitude* from the Quarterly Review again.*

* There is, amidst the malice of the fabrications we have exposed, a little pitifulness, which we will also point out, as we go along. It seems this precious piece of science was graciously communicated by the *British* agent, to the American, who knew nothing of it ; that Mr Gallatin knew nothing of it, and Mr Monroe knew nothing of it, and all received the wondrous intimation of geocentric latitude as a god-send. The moral of this exultation is, we suppose, that while American presidents and ministers know nothing about *geocentric latitude*, British princes and ministers have it at their fingers' ends ; particularly, we suppose, under the present scientific administration of

Having thus shown what the American government and people do not claim in this matter, we will state in a word what they do, and it is this ; that so much of the line established prior to the year 1776, as being in the latitude of forty-five degrees, and the boundary between the then provinces of New York and Quebec, as had been actually surveyed prior to that year, under the joint authority of the two provinces, was not, by the treaty of Ghent, intended to be again surveyed, but is, and ought to remain, as heretofore, the boundary between the two powers.

It must be known to many of our readers, that the commissioners under the fifth article of the treaty of Ghent, Mr Van Ness on the American, and Mr Barclay the elder on the British side, after a protracted discussion of the subject, disagreed in the report to be made. The article provides, that, in the event of such disagreement, the whole matter should be referred to the mediation of some friendly sovereign, to whom both parties should submit their statements, arguments, and surveys. To carry into effect this provision, a convention was negotiated by Mr Gallatin last fall, the ratifications of which have been subsequently exchanged,—and measures have been taken, on the part of the United States, and, we presume, on that of Great Britain, to bring the question before the arbitrator. This is the juncture, which is seized by the British government, to throw open their archives to this anonymous libeller, and thus put it in his power, as far as possible by means of a literary journal circulating throughout the world, to poison the public mind on this subject, to prepossess the arbitrator, and to anticipate the fair reciprocal argument of the case, by this one-sided, calumnious statement. Such is the course pursued on that side of the water, by way of teaching benighted America the value of those 'little acts of courtesy and mutual civility, which subsist in the diplomatic intercourse between the organs of the monarchical governments of Europe.'

3. The third of the new unreasonable claims, which Ameri-

that government. On this we shall not decide ; but merely observe, that we believe the British agent was a North American, educated at Harvard College, near Boston ; and the British astronomer a German, educated at Göttingen. So much for the glory reflected on the science of Englishmen, by their profound acquaintance with geocentric latitude !

ca is charged, by this writer, with setting up, is ‘the claim to the mouth of the Columbia river.’ On this subject he expresses himself as follows :

‘ The claim, which the Americans set up to this river, rests on an assumed priority of discovery, by the exploring party, under Lewis and Clarke ; and to the enormous extent of territory, on the principle that the discovery of a mouth of a river conveys to the country, in whose name the discovery is effected, a right to all the territory traversed by the waters communicating with it, in which no settlements have previously been made. On these “waters,” however, many of our trading posts of the North-West Company were established long before the exploring party discovered that Columbia, the mouth of which had been surveyed, by order of Captain Vancouver, at least ten years before the said party had crossed the Rocky Mountains. Can, then, the American government have the modesty to persist in urging Great Britain to surrender her title to the whole extent of coast between the fifty-first and the forty-second degree of latitude, the latter being the northern boundary of Mexico, when Nootka lies within those limits ;—that Nootka to which, at the risk of a war, she successfully maintained her right in 1790 ? ’

On this extraordinary passage, we first remark, that the writer is endeavoring to make out the case, that America, since the treaty of Ghent, has set up new and unreasonable propositions to be taken advantage of hereafter, as an excuse for taking sides against England, in any war in which she may be engaged. Our claim to the Columbia river is one of these new unreasonable pretensions. And yet the government of the United States concluded with the British government a convention in 1818, by which it was agreed, that both parties should remain in possession of their rights ; and at the moment this writer was penning his article for the January number of the *Quarterly Review*, that agreement had by a new convention, which has since been ratified, been extended to a further term of twelve years. Does this look like a systematic policy of bringing forward and urging unreasonable propositions ? Is this a moment, when it is decent to make such a charge against the American government ?

We observe, in the next place, that the American government has repeatedly offered to the British government to constitute the forty-ninth, and not the fifty-first degree of North latitude, the boundary between the two powers. This line would leave ‘that Nootka,’ which is so precious in the

eyes of England, within her boundary. For the rest, we do not conceive that the mere fact that Spain was frightened into the treaty, by which Nootka was conceded to the English, in 1790, forms a very powerful reason, either why Great Britain should never abandon, or the United States never claim a boundary line, which should transfer Nootka from one power to the other. We believe that, at a somewhat earlier period, England came about as near a war, for the right to certain uninhabited rocks called the Falkland Islands. Does this pledge her honor never to permit those islands to become a part of the territory of the powers on the adjacent continent?

The account, which this writer gives of the ground of the American claim to the mouth of Columbia river and the region watered by it, is neither consistent with the truth, nor with itself. He says 'the claim, which the Americans set up to this river, rests on an assumed priority of discovery by the exploring party under Lewis and Clarke.' But this discovery of Lewis and Clark is only one of the grounds, on which our claim rests. The writer adds, that we rest our claim to a very extensive territory watered by the river, on the principle, that the discovery of the mouth of a river conveys a right to the territory drained by it. But Lewis and Clark did not discover the mouth of the Columbia. That discovery was made by Captain Gray, fifteen years before. In this way an account inconsistent with itself is given, within the compass of two sentences, of the nature of our claim.

It is a little curious that the only argument, suggested by this writer, in favor of the British pretension to carry their boundary to the Columbia river, is, that the North West Company had taken up posts on the waters tributary to the Columbia, and that Vancouver had explored the mouth of that river prior to the expedition by Lewis and Clark; and this is an argument precisely the same, as that which he ascribes to the United States and in them denounces as unreasonable and arrogant.

This whole subject will be found ably discussed in the documents, submitted at the first session of the nineteenth Congress, containing the instructions of Mr Adams and the correspondence of Mr Rush; in two reports from a select committee, of which Mr Baylies of Massachusetts was chairman, also made during the first session of the nineteenth Congress; and in the documents submitted at the late session of Congress containing the instructions of Mr Clay and the correspondence of Mr

Gallatin. From the documents named, a full view may be drawn both of the American and British argument. We are well content to leave the right of America in the premises to the vindication which has been made of it. Meantime, that our readers may see how gross an imposition is attempted on the credulity of the public, in the brief, incorrect, and supercilious account given of this matter, by the writer whom we have in hand, we submit the following sketch of the argument, by which the American claim is or may be supported.

Laying out of view the right, supposed to be acquired from the bulls of the Papal See (to which neither party in this question has appealed), the civilized nations of Europe, in appropriating to themselves the vacant or uncivilized territories of America, proceeded on these principles; first, that discovery vested a right in the nation making the discovery, and, secondly, that this right extended beyond the limits of the mere point, at which the discovery took place. How far beyond that point this right extended, was of course a matter not easily settled, nor reducible to fixed principles. In the case of an island of ordinary dimensions, the power which discovered and took possession of it, at any point, was considered as the rightful possessor of the whole island. In the case of discoveries on the continent of North and South America, some arbitrary limits seem at first to have been assumed, which, modified by geographical or political convenience, were finally recognised by treaties. At the basis of these limits, lay of course the principle, that prior discovery and occupation gave a prior right; and the charters granted by the English sovereigns to their maritime adventurers authorized them only to take possession of lands, not occupied by the subjects of any other Christian power. Thus, while the English charters to the south on the American continent were bounded by the assumed limits of the French or Spanish possessions, they were granted westward from sea to sea. Among the geographical circumstances, which qualified the principle of prior discovery and occupation, was this, that a state discovering and occupying the mouth of a river laid claim to the country watered by it, or drained by its branches. It is plain, that these three principles must sometimes clash with each other. The region claimed by one power, as being included within the reasonable precincts of a spot first discovered, might belong to a second, as being drained by a river, first discovered and explored by this

second power ; and to a third, as crossing the path of the parallel of latitude, between which its claim was extended from sea to sea. Conflicting titles must hence arise, to be settled only by agreement.

On these principles, the controversy relative to the North Western Coast is to be decided, and how do they apply ? Spain, at a very early period, discovered, conquered, and settled Mexico to a high degree of latitude, on the Pacific Ocean ; and with an indefinite claim to the territory northward, on the coast of that ocean ; and this claim was never seriously contested, from the time that Cortez set his foot on the continent, to the year 1790. In consequence of the discovery and exploration of the Mississippi river by French subjects, Louis the Fourteenth granted Louisiana in a charter, which made it extend to all the region watered by that river and its tributaries, of which the Missouri was understood to be one. The English charters to the North American colonies generally ran from sea to sea. There was consequently a collision on the part of England both with Spain and with France, in respect to the western boundary of her possessions in America. On the north, the boundary between France and England was also undefined. These collisions led to constant controversy between the governments, but were successively settled by treaty. By the treaty of Utrecht between England and France in 1713, provision was made for a commission, to run the boundary line between the French and English colonies ; and by this commission, it was, from the Mississippi westward, made the forty-ninth degree of latitude.

By the treaty of Utrecht between Spain and England, the latter power obliged Spain to stipulate that she would retain her American possessions in the condition they were in, under Charles the Second of Spain ; and that she would not cede nor sell any portion of them to France nor to any other power.* The right of Spain to an indefinite extension of the coast of California northward, in the time of Charles the Second, was just as undoubted, as the right of England at the present day to an indefinite extension northward on the coast of Labrador.

By the treaty of 1763, the Mississippi was acknowledged as the western boundary of the possessions of Great Britain.

* *Histoire abrégée des Traités de Paix, par Koch et Schoell.* Tom. II. p. 122.

Consequently all claim, which Great Britain could have to the North Western coast of America, either from prior discovery, settlement, or conquest of the Atlantic coast, ceased at least to the south of the forty-ninth degree of latitude.

No controversy, we believe, ever arose between France and Spain, as to the western limits of Louisiana, and the United States have become the peaceable possessors of the rights of both these powers, north of the Mexican limits, and especially have succeeded to all the rights of Spain, on the Western and North Western coast, north of those limits.

Spain then, as we have observed, claimed by right of discovery, conquest, and occupation, an indefinite extent on the Western coast of North America, nor was her claim ever called in question till the Nootka Sound affair in 1790.* The English had made discoveries on her coast, but had attempted no settlements. The Russians had established some factories in high northern latitudes, with respect to which Spain came to an amicable understanding with her.†

A party of Englishmen, resident in the East Indies, formed the project in 1786, of opening a trade in furs and ginseng, between China and the North Western coast. Two vessels were, in execution of this project, despatched to the coast, of which one was afterwards lost on the return, and the other made a good voyage. In 1788 two or three other vessels were fitted out, for the same trade, and carried with them the means of erecting a temporary trading-house at Nootka. It does not appear that this project had any sanction from the British government; and it is also proper to observe that Nootka Sound was first discovered, entered, and explored by a Spanish government ship in 1774, and then called San Lorenzo; the name of Nootka was afterwards given it by Captain Cook.‡

In the year 1789, the Mexican viceroy sent an expedition to establish a settlement at Nootka, under the command of Don Esteban Martinez. This he effected, erecting a small fort and other proper buildings. He found here one of the English ships, the Iphigenia, under Portuguese colors, and with a passport

* See the sketch of the history of this affair in Humboldt's *Essai sur la Nouvelle Espagne*. Tom. II. p. 475.

† Manifesto of Count Florida Blanco, the fourth of June, 1790.

‡ See 'Voyages made in the Years 1788 and 1789 from China to the North West Coast of America, by John Meares,' the individual entrusted with the execution of this project.

from the governor of Macao. The commander of the Spanish frigate permitted her to depart, on signing a bond to pay the value of the vessel, should the government of Mexico declare it a lawful prize ; all foreign trade with the Spanish colonies being prohibited. A vessel in company with the Iphigenia was detained ; and two months after, arrived the Argonaut and the Princess Royal, English vessels, furnished with the requisites for establishing a temporary settlement. Against this the Spanish commander protested, the Englishmen persevered, and the Spaniard, as it was his duty, captured their vessels and sent them to St Blas, where the pilot of the Argonaut committed suicide.

The viceroy of Mexico behaved with equal lenity and discretion ; and on the plea, that the English trespassers were ignorant of the rights of Spain, and on account of the friendly relations between the two countries, the vessels were given up and allowed to refit. They were permitted to return to Macao, giving bonds to abide the decision of the new viceroy, who was shortly expected to arrive, the Count Revillagigedo, who on his arrival discharged the bonds.

As soon as the news of the detention of the first vessel reached Madrid, the Spanish ambassador at London was directed to make it known to the British court, and demand the punishment of the trespassers. This was done February 10, 1790. In his memorial, the Spanish ambassador stated, that besides the general claim of Spain to the whole coast, her public ships had visited and taken formal possession of Nootka Sound in 1774 ; as they had in fact also done both there and at other places on the coast, in 1755 and 1779. Indeed, vessels had been seized by the Spanish cruisers on these coasts, as far back as 1692.

A portion of the Spanish claim, as explained by the British government, was certainly unreasonable ; that is, the right of Spain to monopolize the navigation and the fishery of the South Sea. This interpretation of their claim was, however, instantly disavowed by the Spanish government. The seizure of the British vessels, with the subsequent call on the British government to punish the offenders, was also an irregular procedure, unfortunately too well calculated to enlist the unanimous feeling of the English people, against even the rights of Spain. The English ministry, accordingly, took up the matter on the point of honor, and refused to discuss any question of right, till reparation was made for the insult. An *ex parte* statement

was made by the minister to Parliament, the papers in the case, though loudly called for, in both houses, were refused ; and partly in resistance to that portion of the real or supposed pretensions of Spain which was unreasonable, but still more on the point of national honor, an almost unanimous support was at first given by Parliament to the government. A vast armament was immediately authorized, of which the expense amounted to about fifteen millions of dollars, and Spain was fairly frightened into the convention of the twenty-eighth of October, 1790. We shall presently recite the provisions of this convention, which bear on the question. When it came to be discussed in Parliament, it was severely censured. Its character may sufficiently be seen from the debate.

The minister boasted, that 'a new continent was open to the commercial spirit of the English and a new sea declared free to their navigators.' Mr Pulteney made this memorable remark ; 'If it was true, as had been stated, that the advantages obtained by the convention had been *extorted* from Spain, it was by no means improbable they might again become the subject of dispute. What had been unwillingly granted could not be expected to be satisfactorily or permanently enjoyed.' Mr, now Lord Grey observed, not less to our present purpose, that he was astonished 'to hear that the possessions ceded to this country by the convention had been obtained contrary to the engagements of former treaties. This was in effect to deny our right to those possessions, as the only criterion of that right must be the former treaties.'*

In the house of Lords, the Marquis of Lansdowne was still more explicit.

'Some young gentleman in China,' said he, 'attached to geography and a little commercial advantage, fit out a vessel called the Sea Otter, for the North West coast of America. Some Bengal adventurers fit out two other ships, with fine names, under Portuguese papers and colors. Some speculative merchants, men of letters perhaps, fit out two other ships, and the whole sails under the command of a young gentleman of the name of Meares, who is instructed, and instructs his followers, in terms becoming the form and pomp of office, to violate a system regarding Spanish America, *which it has been the policy of Europe and in particular of this country to adhere to for ages*. Occurrences arising out of this enterprise of a few individuals, begun without any due war-

* New Annual Register for 1791.

rant for it, form the ostensible ground of a dissension with Spain. We arm in a manner regardless of expense, and summon Spain to submit, in a manner alike unprecedented and insulting.*

Such was the opinion of British statesmen, on both sides of the question; the ministry boasting that by a prompt and powerful demonstration of force, they had driven Spain to an all important concession; and the opposition denouncing this encroachment on rights, which the treaties and the acquiescence of two hundred years had guaranteed to Spain.

Such were the auspices under which this convention was negotiated and such its character, in the opinion of its friends and its enemies, in the British Parliament. The provisions of that convention, which bear on this question, are these. By its third article it was agreed, 'that the respective subjects of the two parties should not be disturbed or molested, either in navigating or carrying on their fisheries in the Pacific Ocean, or in the South Seas, *in places not already occupied* for the purpose of carrying on their commerce with the natives of the country or of making settlements there.' By the fifth article, 'it is agreed, that as well in the places, which are to be restored to the British subjects by virtue of the first article (Nootka Sound), as in all other parts of the Northwestern coasts of North America, or of the islands adjacent, situated to the north of the parts of the said coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements, since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade, without any disturbance or molestation.'

On these provisions of the convention of Nootka Sound, the English government, at the present day, founds the following pretensions;

(1.) The United States cannot claim under their treaty with Spain any greater right than Spain had; and as the Nootka convention has no reference to the discoveries of either party and is unlimited in its duration, the United States cannot resort to any Spanish discovery, in support of their title.

(2.) Since, at the time of concluding the Nootka convention, Louisiana belonged to Spain, and she made no exception to

* Parliamentary History, vol. xxxiii, p. 942.

the provisions of the convention, as encroaching on the natural extension of the limits of Louisiana, or on the boundary fixed in the forty-ninth degree of latitude, in pursuance of the treaty of Utrecht, the United States can now claim nothing on the coast as a part of Louisiana.

(3.) This convention is the national law of the Pacific Ocean, and threw open the coast to all nations for the purposes of trade and settlement.

(4.) Actual occupancy and general convenience are therefore the only grounds, on which an arrangement can be made between England and America.*

These are the British pretensions, which in other terms amount to this, that the United States have no more claim to the mouth of the Columbia river, and the adjacent coasts north and south, than Great Britain or any other nation. On the other hand the United States maintain, that they have succeeded to the right of Spain to an indefinite extension of the coast of California. The lowest southerly point, to which Spain ever brought this claim, was Prince William's Sound, in the sixtieth degree of north latitude. They maintain that, as the possessors of Louisiana, they have a claim at least to all the coast south of the forty-ninth degree of latitude, on the same principle of natural extension, on which the English colonial charters were granted from sea to sea. Finally they claim the mouth and course of the Columbia river, by the right of prior discovery, which was made by Captain Gray, in a Boston ship, who entered and named the river; by the right of prior exploration, which was effected by Lewis and Clark; by the right of prior settlement, which took place in the establishments at the mouth of the Columbia river, prior to any British establishment on the coast or in the interior, south of the fiftieth degree.

Our limits will not permit us to follow out the arguments, by which these principles of our claim may be supported. We will confine ourselves only to one or two remarks, on the Nootka Sound convention.

The first is, that to this instrument Spain and Great Britain were the only parties. It therefore does not bind the United States, except so far as their right is derived from Spain. It leaves untouched our right to the coast, as the western boun-

* Mr Gallatin's letter to Mr Clay, Nov. 16, 1826; in document No. 199 of the House of Representatives, in the first session of the twentieth Congress.

dary of Louisiana, and our right as the first discoverers and explorers of the country.

In the next place, the Nootka Sound convention was not intended to affect any territorial claim, but related to the right of fishing, trading, and making a settlement of commercial factories, on the coast. It could not have looked to the decision of any claims to sovereign jurisdiction. These were left in the state in which they were found, to be decided on their own principles. It provided only, that while the country remained in its state of nature, it should be open to the trade of all nations. It certainly could not have been the intention of either of the parties, that when a partition should come to be made, no regard should be paid to the rights of prior discovery and exploration, and juxtaposition. Were such the meaning of the convention, it would follow, that the Western coast of America was now to be divided, not between the United States, England, and Russia, but among all the powers of the civilized world, who choose to claim a *pro rata* share. This view of the subject is confirmed by some part of the debate on the Nootka convention. Though the language of ministers was not uniform, it was not distinctly pretended that Great Britain had obtained a jurisdiction over any part of the coast. Mr Fox stated the effect of the convention to be, that Great Britain was authorized 'to navigate the Pacific Ocean and South Seas unmolested, for the purposes of carrying on our fisheries and to land on the unsettled coasts for the purpose of trading with the natives.'* In the same manner, Mr Pitt stated, 'that though what Great Britain had gained consisted not of new rights, it certainly did of new advantages. We had before a right to the southern whale fishery, and a right to navigate and carry on fisheries in the Pacific Ocean, and to trade on the coasts of any part of northwestern America. But that right not only had not been acknowledged, but disputed and resisted; whereas by the convention, it was secured to us; a circumstance, which, though no new right, was a new advantage.'†

Lastly, we observe, that there is strong ground to deny the validity of the Nootka Sound convention. We will not take the British principle advanced on other occasions (although certainly valid against the British government), that the war between Spain and Great Britain abrogated the convention of

* Parliamentary History, vol. xxviii, p. 992.

† Ib. p. 1002.

1790. But we take the ground, which Lord Grey took in 1790, that the convention was extorted by force. We take the ground, that some of the British ministry took, that it was not founded on any previous right ; and we deny that either Spain, had she ever become powerful enough to contest it, would have acquiesced in the convention, or that the United States, in succeeding to her rights, are bound to do so. One of the rights of Spain in the premises, to which the United States succeeded, is that of redressing her wrongs, which unquestionably they will do, in all points touching their own interests and honor. We are far from advocating the doctrine, that the faith of treaties is to be made to depend on the subsequent and arbitrary discretion of either of the parties. But if, as the English ministry in 1790 boasted, they had, by the Nootka convention, *extorted* a new world from Spain ; if, as the most distinguished member in opposition averred, it was confessedly not founded in right but in power ; then surely the United States, not a party to that convention, will never allow it to bar her just title, resting on all the foundations by which a title can be acquired. Let it, however, be finally remembered, that the United States have never urged the extreme of their right in this matter. They have been willing to settle the controversy, on principles of mutual convenience and accommodation. They have offered to the British government, to continue the boundary on the forty-ninth degree of north latitude, along which it runs east of the Rocky Mountains ; and should that line strike the navigable waters of the Columbia, they have offered to make the navigation of that river free to the British. Such is the proposition, which the British government refuses, and which this writer pronounces to be a new and unreasonable claim.

4. The fourth and last subject mentioned by this writer, as one on which the United States have advanced *new and unreasonable* pretensions, is the free and uninterrupted navigation of the St Lawrence. This claim is rejected by the British, on the ground that the mouth and lower part of the river are in the British dominions ; it is claimed by the United States, because the river is the natural outlet to the great inland waters of the country, and the claim, in the opinion of this writer, is not only unreasonable, but new. It was our purpose to say something also on this topic, but space fails us. The unreasonableness of the claim may be estimated by those who will look at the instructions of Messrs Adams and Clay, and

the correspondence of Messrs Rush and Gallatin, as communicated to the House of Representatives at their last session.* We confess, that whatever else might be said against the claim, we do think our brethren on the other side of the water might at least allow it to be reasonable, that there should be some outlet from our great interior seas to the ocean. As to the novelty of the claim, it may be judged of by a few considerations.† In 1783, Great Britain stipulated for the free navigation of the Mississippi to its mouth ; although, below the thirty-first degree of latitude, both banks belonged to a foreign power, and it was barely possible, that its sources were in the British dominions, which, it has since appeared, is not the case. In 1784, the attempt of the Dutch to appropriate to themselves the navigation of the Scheldt, was resisted by all Europe. In 1815, the navigation of the Rhine, the Neckar, the Maine, the Moselle, the Maese, and the Scheldt, was declared free to all nations at the congress of Vienna. So much for the *novelty* of the pretensions of the United States, to descend their inland waters to the ocean.

The shortsightedness of the British policy, in denying our right to navigate the St Lawrence is not less conspicuous, than its unreasonableness. While the point has been in agitation, the commissioners, as we have already remarked, have mutually established a distribution of the islands of the St Lawrence, which, as this writer himself states, carries the navigable channel of that river between Montreal and Kingston, within our exclusive jurisdiction.

Does the British government intend to teach us, that we have a right to interdict the navigation of the river where it passes through our territories, and to provoke us to exercise that right ?

There is one conciliating hint in this connexion, which we ought not to pass unnoticed.

‘ There is something whimsical and not very consistent in this free republican government appealing perpetually to the “rights of nature,” in whose territories every sixth man is in a state of

* Document No. 43.

† Considering that this writer professes himself acquainted with all our foreign negotiations, we should have thought that Mr Jefferson’s argument on the *natural right* of a free navigation of the Mississippi, contained in the American state papers, would at least have deterred him from placing our claim to the right of navigating the St Lawrence among the novelties broached since the treaty of Ghent.

absolute and unmitigated slavery, and which, by a series of encroachments and usurpations, has driven back the original possessors of those territories, and so nearly exterminated them, that before the present century expires, they will probably have become rare enough for the people of Washington, or New York, to

“Show an *Indian* as they show an *ape*.”

And this taunt from Englishmen ; the people under whose authority the United States were settled, and the inhabitants of the Atlantic coast exterminated ; the people by whose laws slavery was introduced and established in America ; whose king put his *veto* on the ordinances, adopted by our assemblies, to suppress the slave trade ;—by Englishmen, whose government for generations, went higgling from France to Spain and from Spain to France to monopolize the right of supplying the foreign West Indies with African slaves, the most guilty form in which that traffic could be pursued ;—by Englishmen, the owners, at the present day, of the West Indies, where not every sixth man is a slave, but possibly every sixth man is free, and the five others are held ‘in absolute and unmitigated slavery’ by the bayonets of English freemen ;—by Englishmen, who have introduced *their* code of ‘the Rights of Nature’ into Hindostan ; and after having found the power and the will to destroy an empire, once the most mighty in the East, to reduce to wretched pageants a hundred proud and warlike native princes, to dispossess every small landholder of his fee simple, and thereby convert ‘a third of the country into a jungle for wild beasts,’ in short to establish a pure despotism over one hundred millions of people, have at last discovered, that there is one thing, in which they dare not ‘disturb the prejudices of the natives,’ *the burning of live women on the death of their husbands*. We suppose that Hyder Ally and Tippoo Saib, and the Peishwah and Scindiah and the Great Mogul himself, had no ‘prejudices’ against being overthrown, trampled down, pillaged, and destroyed. Such are the exploits of the government, that turns its anonymous writers into its archives, to hunt up matter, whereon to point against us a taunt at slavery and the extermination of the Indians !

But it is time to dismiss the subject. If any reader is inclined to think we have gone beyond the limits of moderation, let him but cast his eyes over the article, which has called forth these remarks, and advert again to the proof we have furnished, that it must have been written in the bureaus of govern-

ment. There is one suggestion of this writer, on which, although we have quoted it, we have made no comment, simply because it is of an atrocity too depraved to be coolly contemplated. In reference to the controversies between the two governments, America is charged with evincing 'a litigious disposition on points, that can scarcely fail, sooner or later, to bring the two nations into collision ; we mean such points, as Great Britain never can concede, and which can have no other object, if persevered in, than to serve as so many pretexts to join the enemy against us, in any future war, as she did in the last.'

It would be no more than fair to ascribe to a consciousness that such is the policy of the British government, this reckless assertion that such is the policy of the American ; although the single circumstance, that war in the United States must be declared by a majority of Congress, which is perpetually changing, and cannot, with an approach to precision, be calculated on four years in advance, shows the absurdity of the intimation. Such a charge we do not, however, make. We shall content ourselves with saying, that if the time unhappily should arrive, when the two countries shall be plunged into war, on all or any of these subjects, it is from England that the first denunciation has proceeded of an event so inauspicious.

ART. XII.—Johnson's English Dictionary, as improved by Todd, and abridged by Chalmers; with Walker's Pronouncing Dictionary, combined; to which is added Walker's Key to the Classical Pronunciation of Greek, Latin, and Scripture Proper Names. Boston. Charles Ewer and T. Harrington Carter.

ONE of the principal excellences of a new Dictionary is to be looked for in the completeness of the Vocabulary. As we do not propose to give the history of English lexicography, we shall date all its improvements in this, as well as in other particulars, from the time of the great work of Johnson, which deservedly constitutes a large portion of his fame. Before that time, the Englishman was not provided with a Dictionary equal to the demands of a language, which had become at